



DAC

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Attn: Petitions Branch

Kenji ITOI et al.

Group Art Unit:

Application No.: 10/564,942

Examiner:

Filed: January 18, 2006

Docket No.: 126218

For: HUB DYNAMO

PETITION UNDER 37 C.F.R. §1.147(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.47(a), this Petition is filed to request examination of the above-identified application filed January 18, 2006. Attached hereto is a Declaration supporting the Petition under 37 C.F.R. §1.47(a), that includes the facts summarized here below pertinent to a filing under Rule 47(a).

Also attached is a Substitute Declaration and Power of Attorney duly executed by four of the inventors, Messrs. Minami, Shirasuna, Yoda, and Takakusagi on March 29, 2006. The first named co-inventor, Mr. Itoi, has refused to execute the Declaration by incapacity. The last known address of Mr. Itoi is: Mr. Kenji Itoi, 957-13, Aioicho 2-chome, Kiryo-shi, Gunma, Japan.

On March 7, 2006, a Declaration with attached PCT Publication of PCT Application
04/04/2006 57EUNITE1 88200018 10564942
81 FC:1463 200.00 OP

No. PCT/JP2004/010743, of which the instant patent application is the U.S. National Stage, was dispatched by registered mail, delivery record requested to Mr. Itoi at the address previously given. On March 8, 2006, a correspondence proving that the previously

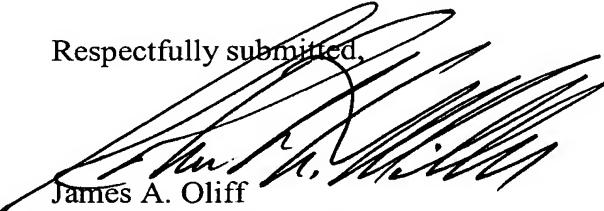
mentioned documents were mailed to Mr. Itoi on March 7, 2006 was dispatched by registered and content-certified mail, delivery record requested to Mr. Itoi's mailing address. A copy of the official receipt of the registered and content-certified mail and a copy of the delivery record are attached. On March 27, when Mr. Itoi had not returned the executed Declaration by the requested March 24 date, the Declaration with attached application was forwarded to the remaining inventors who subsequently executed the Declaration as attached.

Thus, the co-inventors of Mr. Itoi made diligent efforts to have Mr. Itoi execute this application for a Letters Patent. As Mr. Itoi has failed to do so, it is respectfully requested that the Substitute Declaration be placed in the application and that the application be accepted to examination.

Should Mr. Itoi reconsider his position and either himself, or through any appropriate legal representative, indicate a willingness to file a Substitute Declaration, such will be prepared and promptly filed upon execution.

If any further information is needed in order to enter this application into prosecution pursuant to 37 C.F.R. §1.47(a), Applicants' undersigned attorney invites the Patent Office to telephone the number listed below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Robert A. Miller

Registration No. 32,771

JAO:RAM/eks

Attachment:

Check no. 178479 (\$200.00)
Executed Declaration
Statement Supporting Petition under 37 C.F.R. §1.47(a)
Exhibits 1, 2, 3 & 4
Copy of Letter to Mr. Itoi
Correspondence by Content-Certified Mail

Date: April 3, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

| |
|--|
| DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461 |
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kenji ITOI et al.

Group Art Unit:

Application No.: 10/564,942

Examiner:

Filed: January 18, 2006

Docket No.: 126218

For: HUB DYNAMO

STATEMENT SUPPORTING PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

(1) I, Tetsuo Hirose, Patent Attorney of Hirose Patent Office of Nakanishi Bldg. 5th Floor, 2-5-6 Nishikanda, Chiyoda-ku, Tokyo, JAPAN 101-0065 hereby declare and state as follows:

(2) On March 7, 2006, a Declaration with attached PCT Publication of PCT Application No. PCT/JP2004/010743, of which the Patent Application identified above is the U. S. National Stage and comprising a cover page, 16 pages of specification, 13 claims, and 9 sheets of figures, with cover letter, was dispatched by registered mail, delivery record requested to Mr. Kenji ITOI of 957-13, Aioicho 2-chome, Kiryu-shi, Gunma, Japan. A copy of an official receipt of the registered mail and a copy of the delivery record, both front and back sides, are attached hereto (Exhibits 1 and 2).

(3) On March 8, 2006, a correspondence which proves that the above-mentioned documents were mailed to Mr. Itoi on March 7, 2006 was dispatched by registered and content-certified mail, delivery record requested to Mr. Kenji ITOI of 957-13, Aioicho 2-chome, Kiryu-shi, Gunma, Japan. A copy of an official receipt of the registered and content-certified mail and a copy of the delivery record, both front and back sides, are attached hereto (Exhibits 3 and 4).

(4) On March 27, 2006, when Mr. ITOI had not returned the executed Declaration by March 24, 2006, the date indicated in our cover letter (copy attached), a copy of the Declaration with attached Application was forwarded to Messrs. Minami, Shirasuna, Yoda, and Takakusagi, the other named co-inventors, for execution.

(5) On March 31, 2006, the Declaration signed by Messrs. Minami, Shirasuna, Yoda, and Takakusagi was forwarded to our U. S. Associates for filing with the United States Patent and Trademark Office.

(6) I hereby declare and state that all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1003 of Title 18 in the United States Code, and that such willful false statements may jeopardize the validity of the Application, and any patent issuing thereon, or any patent to which this Declaration is directed.



Date 2006. 3. 31.

Tetsuo HIROSE
Patent Attorney

Attachments:

- Exhibit 1, 2, 3, and 4
- Copy of Letter to Mr. Itoi
- Correspondence by content-certified mail

DECLARATION

I, Fumiko Kawamura, a subject of Japan residing at c/o Hirose Patent Office, Nakanishi Bldg. 5 Floor, 2-5-6 Nishikanda, Chiyoda-ku, Tokyo, JAPAN 101-0065 solemnly and sincerely declare:

That I have thorough knowledge of Japanese and English languages; and

That the attached documents contain correct translation into English of the following things:

Exhibit 1 Receipt of Mail with Register and Delivery Record (Duplicate for Sender)

Exhibit 2 Certificate of Mail Delivery

Exhibit 3 Receipt of Mail with Register and Delivery Record (Duplicate for Sender)

Exhibit 4 Certificate of Mail Delivery

Exhibit 5 Correspondence relating to the contents of the mail which was dispatched to Mr. Kenji Itoi

Signed this 31st day of March, 2006



Fumiko Kawamura

<TRANSLATION>

Mr. Kenji Itoi
957-13, Aioicho 2-chome, Kiryu-shi, Gunma

Dear Mr. Itoi

I am proxy for Mitsuba Corporation.

I yesterday sent you a Declaration which is required for filing the U. S. National Stage PCT/JP2004/010743, with attached application as filed, and a Letter to Mr. Itoi from Hirose, Statement of Inventor and the translation thereof by a certified and registered mail. Registered number is 103-06-67902-5.

Please sign the Declaration and return it to us by March 24, 2006.

Yours Sincerely

Tetsuo Hirose, Patent Attorney
HIROSE PATENT OFFICE
Nakanishi Bldg. 5th floor, 2-5-6
Nishikanda, Chiyoda-ku, Tokyo,
JAPAN 101-0065

This is to certify that this mail was forwarded by a No. 68239 Registered and Content Certified Mail on March 8, 2006.

Director of Kudan Post Office

Seal: Kudan

March 8, 2006
12-18



March 7, 2006

Mr. Kenji Itoi
957-13, Aioicho 2-chome
Kiryu-shi, Gunma 376-0011
JAPAN

Re: U. S. Patent Application No. 10/564,942
Inventors: Kenji ITOI et al.
Assignee: Mitsuba Corporation
Our File: F-537-1

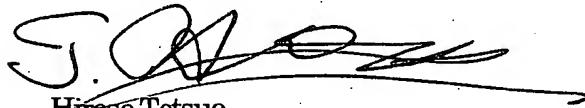
Dear Mr. Itoi:

We enclose herewith a printed publication of PCT/JP/2004/010743 which forms the basis for the United States National Stage Patent Application identified above filed in the U. S. Patent and Trademark Office on January 18, 2006 in your name and in the names of Hideyuki Minami, Kouichi Shirasuna, Takeshi Yoda, and Ryuichi Takakusagi.

The application, published as WO 2005/011092 A1, comprises a cover page, 16-page specification, 13 claims, and 9 sheets of figures. Please review the specification and claims for technical accuracy and completeness. Attached to the copy of the application is a Declaration which we respectfully request you execute after review of the specification and claims by signing and dating at lines 2 and 3 on page 1. Please return the executed Declaration to us by March 24, 2006.

We will assume that you do not intend to sign the Declaration if we do not receive the executed Declaration by March 24, 2006. Should such be the case, we will file a Declaration signed only by your co-inventors under U. S. patent procedures which permit filing of an application when an inventor refuses to sign a Declaration.

Very truly yours,



Hirose Tetsuo
Patent Attorney

Enclosures:

Declaration with attached PCT application

EXHIBIT 1

書留・配達記録郵便物受領証(お客様控)

| | | | | |
|---|--|-----|---------|------------------|
| (差出人の住所氏名) | 東京都千代田区西神田2-5-6 中西ビル5F 廣瀬特許事務所 〒101-0065 ①03-3239-3511 ②03-3239-3510 | | | |
| 受取人の氏名 | 引受番号 | 郵便料 | 申出損害要償額 | 摘要欄 |
| 糸井 寛治 様 | 103-06- 67902-5 | 110 | | 簡易 書留 |
| 様 | | | | 支 付 可 能 |
| 様 | | | | 註 明 |
| <small>ご注意 この受領証は、損害賠償の請求をするときその他 の場合に必要ですから大切に保存してください。 簡易書留の損害賠償額は、原則として5万円を限 度とする実損額です。</small> | | | | |
| <small>摘要欄 : カン(簡易)、キロ(配達記録)、ソク(速達)、ハイ(配達証明) の記号 ナイ(内容証明)、トク(特別送達)、ダイ(代金引換) ジ(引受時刻証明)、シテ(配達日指定) 配達状況がわかります。フリーダイヤル 0120-232886 インターネット http://www.post.japanpost.jp.</small> | | | | |
|  18.3.7 12-18 | | | | 郵便局 |

<TRANSLATION.

Receipt of Mail with Register and Delivery Record (Duplicate for Sender)

Name of Sender:

Hirose Patent Office

Address of Sender:

Nakanishi Bldg. 5th floor, 2-5-6 Nishikanda
 Chiyoda-ku, Tokyo, JAPAN 101-0065
 Tel. 81-3-3239-3511 Fax.81-3-3239-3510

Name of Recipient: Kenji Itoi

Acceptance Number: 103-06-67902-5

Mail charge: J¥ 1100

Tokyo Kanda Misakicho Post Office

March 7, 2006

EXHIBIT 2

契
10.3.9
印
18-24

郵便物配達証明書

| | |
|--------------------------------------|------------------|
| 受取人の 氏名 | 糸井 麗治 様 |
| 引受番号 | 103-06-67902-5 号 |
| 上記の郵便物は、18年 3月 9日 配達したのでこれを証明します。 | |
| 群馬 桐生 | 都府県 郵便局 |



ユ07370 (16-TAI)

再生紙使用

<TRANSLATION OF POST CARD>

Front Side:

To: Hirose Patent Office
Nakanishi Bldg. 5th Floor, 2-5-6 Nishikanda
Chiyoda-ku, Tokyo, JAPAN 101-0065

From: Kiryu Post Office
376-8799

Back Side:

Certificate of Mail Delivery

Name of Recipient: Keiji Itoi

Acceptance Number: 103-06-67902-5

This it to certify that an above-mentioned mail was delivered on March 9, 2006.

Kiryu Post Office in Gunma

Seal: Kiryu
March 9, 2006
18-24

EXHIBIT 3

書留・配達記録郵便物受領証(お客様控)

| (差出人の住所氏名) 千代田区 西神田 2-5-6 中西ビル 5階 廣瀬特許事務所 廣瀬哲夫 様 | | | | |
|--|--------------------|-----|---------|----------------------|
| 受取人の氏名 | 引受番号 | 郵便料 | 申出損害要償額 | 摘要 |
| 糸井 寛治 様 | 103-00- 68239-4 | 840 | 100,000 | 一般内配 |
| 様 | | | | |
| 様 | | | | |
| ご注意 この受領証は、損害賠償の請求をするときその他 の場合に必要ですから大切に保存してください。 簡易書留の損害賠償額は、原則として5万円を限 度とする実損額です。 | | | 内容認取料 | 670 |
| 摘要欄: カン(簡易)、キロ(配達記録)、ソク(速達)、ハイ(配達証明) の記号: シテ(内容証明)、トク(特別送達)、ダイ(代金引換) ジ(引受時刻証明)、リード(配達日指定) 配達状況がわかります。フリーダイヤル 0120-232886 インターネット http://www.post.japanpost.jp | | | 郵便局 | 九段 06.03.08*12-18 |

<TRANSLATION.

Receipt of Mail with Register and Content Certification (Duplicate for Sender)

Name of Sender: Tetsuo Hirose, Hirose Patent Office
 Address of Sender: Nakanishi Bldg. 5th floor, 2-5-6 Nishikanda
 Chiyoda-ku, Tokyo, JAPAN 101-0065

Name of Recipient: Kenji Itoi

Acceptance Number: 103-00-68239-4

Mail charge: J¥ 840

Claimed Amount of Damage: J¥ 100,000

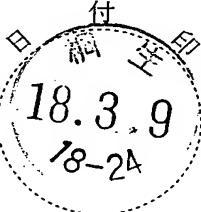
Content certification charge: J¥ 670

Tokyo Kudan Post Office
 March 8, 2006

EXHIBIT 4

契印
18-24

郵便物配達証明書

| | |
|------------------------------------|--|
| 受取人の 氏名 | 糸井憲二 様 |
| 引受番号 | 103-00-68239-4 号 |
| 上記の郵便物は、18年3月9日 配達したのでこれを証明します。 | |
| 群馬 桐生 | 付 都府県 郵便局  |

ユ07370 (16-TAI)

再生紙使用

<TRANSLATION OF POST CARD>

Front Side:

To: Tetsuo Hirose
Hirose Patent Office
Nakanishi Bldg. 5th Floor, 2-5-6 Nishikanda
Chiyoda-ku, Tokyo, JAPAN 101-0065

From: Kiryu Post Office
376-8799

Back Side:

Certificate of Mail Delivery

Name of Recipient: Keiji Itoi

Acceptance Number: 103-00-68239-4

This it to certify that an above-mentioned mail was delivered on March 9, 2006.

Kiryu Post Office in Gunma

Seal: Kiryu
March 9, 2006
18-24

EXHIBIT 5

群馬県桐生市相生町二丁目九五七一三
糸井憲治様

拝啓時 下ますま すご清栄のこととお喜び申
し上げます。
弊職は、株式会社ミツバから委任された代
理人であります。
ところで昨日、PCT特許許願JP-P20004
の米国国内手続に必要になり

EXHIBIT 5

平成十八年三月八日

東京都千代田区西神田二一五ー六

中 西 ビ ル 五 階

廣瀬特許事務所

弁理士

廣

瀬

哲

夫

第

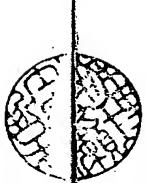
6239

この郵便物は平成18年3月8日

号書留内容証明郵便物として

差し出したことを証明します。

九段郵便局長



ましした宣誓書、及び P C T 特許願 J
 の書留郵便 0 4 / 0 1 0 1 0 7 4 3 の公開公報 W O 2 0 0 5 / 0 0
 日本語訳、返信用封筒の書類を配達證明付き
 書留番号一〇三一〇六一六七九〇二一五
 で貴殿に郵送いたしました。
 つきましては、ご署名のうえ、二〇〇六年
 三月二十四日までに弊所宛にご返送ください
 ますようお願ひ申し上げます。